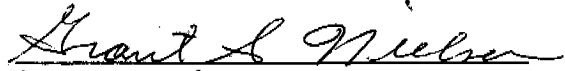


Minutes of a Regular City Council Meeting held August 2, 1982

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Mayor adjourned at 11:20 p.m.


Dorothy Jeffery, City Recorder


Grant S Nielson, Mayor

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD AUGUST 9, 1982

PRESENT:

Grant S Nielson	Mayor
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member
Max Bennett	Council Member
Don Bird	Council Member

OTHERS PRESENT:

Vance Bishop	City Administrator
Warren Peterson	City Attorney
Neil Forster	Public Works Superintendent
Dorothy Jeffery	City Recorder
Pat Davies	City Clerk
Craig Whitehead	Administrative Intern
Jim Fletcher	KNAK
Paul Eardley	Jim Eardley
Carl Hasse	Roger Stowell
LaVar Cox	Steve Allred

Mayor Nielson called the Meeting to order at 8:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days before to each of them.

MINUTES

The Minutes of a Regular City Council Meeting held August 2, 1982, were presented to the Council. Council Member Willis Morrison MOVED to accept the minutes as corrected. Council Member Don Dafoe SECONDED the motion which carried unanimously.

ACCOUNTS PAYABLE

The accounts payable were presented for the review of the Council by Dorothy Jeffery. Council Member Don Bird MOVED to pay the current bills. Councilman Max Bennett SECONDED the motion which then carried unanimously.

MARK HUNTSMAN: PETITION FOR LANGUAGE CHANGE IN ZONING ORDINANCE

City Administrator Vance Bishop explained the petition of Mark Huntsman for a language change in the zoning ordinance to allow for used car sales in the Central Business district. Mr. Farrell McArthur spoke in behalf of the owner of the Phillips "66" station who sells used cars at the present for Mr. McArthur. He explained the dealership and out of town sales and how the business works in other areas. Mr. McArthur stated that the State requires a sign at the place of business to indicate used car sales. He further stated that in order to display the required sign, the business first has to comply with all City ordinances. Mr. Bishop read a recommendation from the Planning and Zoning Commission which reads:

By a unanimous vote at the Planning and Zoning Meeting held Wednesday, July 28, 1982 the Planning and Zoning Committee recommended that the Delta City Council deny the request of Mark's "66" Service Station application for a language amendment to the Zoning Ordinance to allow for used car sales in the Central Business Zone. There was discussion on sidewalk congestion caused by used cars on display and rental units, the legality of the business without changing the zoning ordinance and whether a variance could be allowed. Councilman Morrison MOVED to table the request of Mark Huntsman and take the matter under advisement until further research is done by staff. The motion was SECONDED by Council Member Ruth Hansen and was carried unanimously. Mr. Bishop and Mr. Peterson were directed by the Council to prepare a possible language change to allow for car sales as a secondary use to gas stations in the central business zone.

RANCHO MOBILE HOME ESTATES: PARK DEVELOPMENT

Mayor Grant Nielson explained some of the improvements which have been made by Rex Day at the Rancho Mobile Home park. The Council members discussed the agreement made between the City and Rex Day on the development of the public park area in the development. City Attorney Warren Peterson reviewed the pertinent part of the agreement as follows:

The petitioners, to meet the parks and recreation dedication requirement for annexation to Delta City, shall landscape and equip the approximately 2.5 acre park area in an amount totaling not more than \$20,000.00. The \$20,000.00 shall be applied to improvements to be completed in the following priority order:

1. Installation of sprinkling systems.

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2. Laying of lawn grass sod.
3. Fencing around the perimeter of the park area.
4. Construction of playground equipment.
5. Construction and installation of outdoor basketball court equipment.
6. Construction of an outdoor tennis court.

The design drawings for each of the foregoing items shall be approved by the City of Delta prior to commencement of construction.

At such time as Petitioners have expended \$20,000.00, they shall not be required to expend further sums for public park improvements. Upon presenting satisfactory evidence to the City of Delta establishing that \$20,000.00 has been expended for improvement of the public park area in accordance with this exhibit, the park and the improvements will be dedicated to the City of Delta and Delta City shall be responsible to maintain the same there after. Petitioners shall also dedicate as public roadways the roadways leading to the public park area.

It was determined that the City Administrator should investigate the situation further.

WATER ACQUISITION AGREEMENT: DELTA CITY AND INTERMOUNTAIN POWER AGENCY

City Attorney Warren Peterson reviewed with Council Members and representatives of IPA the proposed water acquisition agreement and answered questions from those present on various points of the contract. Some of the items of discussion were:

1. Page 1, paragraph "A": Determining whether development inside the annexation area is attributable to I.P.A. or to others.
2. Page 4, paragraph "G": Water rights transfer on the Cox water right.
3. Page 5: Wording in the agreement on the sale and purchase of water rights.
4. Page 6: Subparagraph #1 (b): Water rights credit transfers and who pays the cost of administering the transfers.
5. Page 8, paragraph 4 (b): The filing and completion of change applications and the responsibilities and costs of each party.
6. Conveyance of title to the water rights.
7. Page 12, subparagraph 11 (b): Water development fee and verification of water purchases.
8. How much water will actually be needed.
9. Problems which might arise if demand exceeds the water available.
10. Bringing water rights transferred to the IPP plant site into the Delta City water system on a temporary change application to supply the temporary housing areas.
11. The connection fee structure and wording in subparagraph 12 (a) as it relates to the Delta City water fee schedule, Resolution

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#82-63.

12. Construction standards for water system improvements in the temporary housing areas to comply with Delta City standards.

13. Water bank arrangements on temporary housing and the relationship between water bank reserves for temporary housing and permanent development.

14. The final conditions of the White Sage Annexation being satisfied.

During discussion on the possibility that there could be more demand for water than foreseen at this time, Mr. Hasse stated that IPA would be controlling the growth in the temporary housing and if the demand for more temporary housing exists, IPA would bring more water in at the time. He further stated that if more water is needed for permanent housing and development that they (IPA) have an obligation to bring more in. Conversely, he stated: "If there is excess (IPA) water, we'll be happy to sell it to you, to Hinckley, or anybody else who would like to buy - after we've made sure we've taken care of the direct impacts of the project. Upon completion of the project, we would make sure it would go to the incorporated communities. We certainly have an interest to see that it goes there rather than to the interests of agriculture.

After all parties were satisfied that all changes agreed upon would be incorporated into the document, Councilman Don Bird MOVED to adopt Resolution #82-77 entitled:

A RESOLUTION APPROVING A MUNICIPAL WATER RIGHTS ACQUISITION AGREEMENT BETWEEN THE CITY OF DELTA, UTAH AND INTERMOUNTAIN POWER AGENCY PROVIDING FOR A WATER SUPPLY TO TERRITORIES ANNEXED INTO THE CITY OF DELTA AND SUBSEQUENTLY DEVELOPED TO PROVIDE HOUSING AND OTHER FACILITIES RESULTING FROM CONSTRUCTION AND DEVELOPMENT OF THE INTERMOUNTAIN POWER PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE FINAL FORM OF SAID AGREEMENT.

Council Max Bennett SECONDED the motion and the voting was as follows:

Don Bird	Aye
Max Bennett	Aye
Don Dafoe	Aye
Ruth Hansen	Aye
Willis Morrison	Aye

Mr. Peterson said that if all necessary signatures were obtained, that the annexation documents would be recorded Wednesday, August 11, 1982. The Mayor and City Recorder signed the resolution.

Attorney Peterson listed conditions for the final annexation of the White Sage Annexation and said that the conditions had been met except for the

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final execution of the documents. Mr. Bishop mentioned that more work is being done on Impact Alleviation Agreement #6 and that some changes were pretty well agreed upon by IPA and the City.

REPORT: PLACEMENT OF PROPANE STORAGE TANKS WITHIN THE CITY

Administrative Intern Craig Whitehead presented a fact sheet with information concerning placement of propane storage tanks within the City. He said that the Delta City zoning ordinance allows for outside storage of flammable bulk products in a Heavy Industrial area only. Currently there is no heavy industrial zone designated within the City limits. Mr. Whitehead said that the options for Dix-O-Gas would be: 1. to apply for an amendment to the highway commercial section of the zoning ordinance to allow for the storage of propane and to seek amendment of the fire code to allow a tank capacity over 2,000 gallons in a congested location; or 2. to find another location for the tank. It was suggested by Councilman Morrison that perhaps Dix-O-Gas could set up a bulk plant in the County and have smaller tanks in the City, or that the City could spot zone a section as heavy industrial to accomodate Dix-O-Gas. It was also suggested that Dix-O-Gas could acquire some property farther out on the highway or possibly lease some of the airport property.

A PROPOSED RESOLUTION TO DISSOLVE MICA

Mayor Nielson said that his first inclination concerning the request of the County Attorney to dissolve MICA was to agree that the organization was of no further use, expecially since the funds had run out. He said that after discussing the issue with Fillmore City Administrator Dwight Day and others, he felt that the organization should be kept in place. It was determined by those present that there could be useful dialogue between the local entities and that MICA would be a good forum for that dialogue. Councilman Bennett MOVED to deny the resolution which would dissolve MICA and further moved to support the organization. Councilman Bird SECONDED the motion which carried unanimously.

CITY BUILDING PROJECT: REVIEW OF ARCHITECTURAL CONTRACT

Mr. Vance Bishop reported to the Council that a bill has been received from Dana, Larsen, & Roubell, the architectural firm designing the proposed new City building. There was discussion on the amount of the bill for \$19,750.00, what services have been received for that amount and the contract between Dana, Larsen & Roubell and Delta City. Mr. Bishop proposed that the bill has not been budgeted for because he was not aware of the contract. It was decided that the City Administrator will meet with Todd Wirthlin and the architect. The architect will be invited to attend a City Council meeting for possible negotiation.

OTHER BUSINESS

Attorney Peterson reported that the diversion agreement with Dove's Double

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD AUGUST 9, 1982

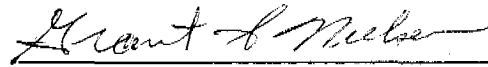
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Discount has been approved by the court, but is not yet signed by the parties involved.

Mr. Peterson mentioned that a permit for a well 500 feet deep had been applied for in the vicinity and wanted to know if he should continue to protest all well permit applications filed in the Delta area. He recommended that the City continue to protest all applications. He was directed to continue the present policy.

City Administrator Bishop gave an update on cable TV. He said that Acton Cable TV has applied for clearance to use UP&L power poles. In answer to a question at an earlier Council meeting, Mr. Bishop said that research has shown that Air Fone is authorized by the FCC to conduct tests.

There being no further business, Councilman Dafoe MOVED and Councilman Bird SECONDED the motion to adjourn. At 11:35 p.m. the Mayor adjourned the meeting until August 16, 1982 at 8:00 p.m.



Mayor Grant S Nielson

City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD August 16, 1982

PRESENT:

Grant S Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

OTHERS PRESENT:

Vance Bishop
Warren Peterson
Dorothy Jeffery
John Quick
Neil Forster
Pat Davies
Craig Whitehead

City Administrator
City Attorney
City Recorder
City Engineer
Public Works Superintendent
City Clerk
Administrative Intern

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